

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yossi Gross et al.

Application No.: 10/535,024

Confirmation No.: 2029

Filed: December 27, 2005

Art Unit: 3731

For: Surgical tools and techniques for stimulation

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. 1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. 1.97, as it is filed:
(Check one of the boxes A-D)

- ☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above identified national application
- ☒ B. before the mailing date of a first office action on the merits, or a first office action after filing a request for continued examination.
- ☐ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary statement in box "i" below or paid the necessary fee in box "ii" below.

(check one of the boxes "i" and "ii" below:)

- ☐ i. Counsel states that, upon information and belief, each item of information listed herein was (check one of boxes (a) or (b))
- ☐ (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.
- ☐ ii. Payment in the amount of the fee set forth in 1.17(p), presently believed to be \$180, is indicated below.
- ☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant petitions under 37 C.F.R. 1.97(d) for the consideration of this IDS. Under 37 CFR 1.17(i) a check in the amount of \$180.00 is enclosed. Counsel certifies that, upon information and belief, each item of information listed herein was

(check one of the boxes "a" and "b" below:)

- ☐ (a) first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in 1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 C.F.R. 1.98, this IDS includes a list (e.g., form PTO/SB/08) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A, B and/or C and fill in blanks, if appropriate.)

- ☒ A. Pursuant to the 37 C.F.R. § 1.98(a)(2)(ii), a copy/copies of the U.S. Patent(s) and/or U.S. Patent Application Publication(s) on PTO/SB08 is/are not being submitted.
- ☐ B. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with 1.98(c), only a copy of each of the latter documents is enclosed.
- ☐ C. Certain documents were previously cited by or submitted to the Office in the following prior applications, which are relied upon under 35 U.S.C. 120:

<<INSERT SERIAL NO. & FILING DATE>>

Applicant identifies these documents by attaching hereto copies of the forms PTO-892, PTO-1449 and/or PTO/SB/08 from the files of the prior application(s) or a fresh PTO/SB/08 listing these documents, and request that they be considered and made of record in accordance with 1.98(d). Per 37 CFR 1.98(d), copies of these documents need not be filed in this application.

- ☐ 3. Cite No(s). _____ are not in the English language.
In accordance with 1.98(c), Applicant states:
- ☐ An English translation of each document (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.
- ☐ The requirement for a concise explanation of the relevance of any foreign language document is satisfied by the attached search report; citation of the documents cited in the search report shall not be construed as an admission that they are or are considered to be, material to patentability of the subject matter claimed herein (See MPEP §609).
- ☐ A concise explanation of the relevance of document(s) _____ is set forth as follows: [Insert concise explanation of relevance]
- ☐ A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.
- ☐ A concise explanation of document(s) _____ can be found on the attached sheet.

- ☐ 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 in the preamble to the final rules; 1135 OG 13 at 20).
- ☒ 5. Other information being provided for the examiner's consideration follows:

European Search Report, dated December 13, 2006, which issued during the prosecution of Applicant's European Patent Application No. EP 06 01 7239.

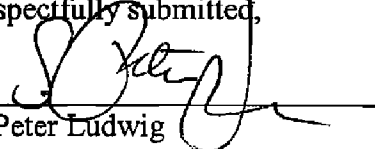
6. In accordance with 37 C.F.R. 1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless other-wise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Early and favorable consideration is earnestly solicited.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: March 5, 2007

Respectfully submitted,

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Substitute for form 1449/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Application Number	10/535,024-Conf. #2029	
			Filing Date	December 27, 2005	
			First Named Inventor	Yossi Gross	
			Art Unit	3731	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	06727/0202921-US0

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/SG/	AA*	US-2005/011290	05/2005	Ni, et al.	
	AB*	US-2003/022444	12/2003	Sabbadini, et al.	
	AC	US-12003/0144711	07/2003	Pless, et al.	
	AD*	US-6,735,474-B1	05-11-2004	Loeb et al.	
	AE*	US-20020099417-A1	07-25-2002	Naritoku et al.	
	AF*	US-2003/036781	02/2003	Nuttin et al.	
	AG*	US-6,066,163-B1	05/2000	John	
	AH*	US-20040220644-A1	11-04-2004	Shalev et al.	
	AI*	US-20040133248-A1	07-08-2004	Frei et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY			
/SG/	BA	EP-1559369	08-03-2005	Cornell Res Foundation Inc		
/SG/	BB	WO-2004/064918-A1	08-05-2004	Pardo et al		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IPW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/SG/	CA	European Search Report, dated December 13, 2006 for Application No. EP 06 01 7239	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Scott Getzow/	Date Considered	05/24/2008
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DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	US 6 735 474 B1 (LOEB GERALD E [US] ET AL) 11 May 2004 (2004-05-11) * column 2, lines 28-60 * * column 4, lines 45-65 * * column 6, lines 49-58 * * column 9, lines 3-13 * -----	1-10, 13, 14	INV. A61N1/36
X	US 2002/099417 A1 (NARITOKU DEAN K [US] ET AL) 25 July 2002 (2002-07-25) * paragraph [0054] * * paragraph [0082] * * paragraphs [0097] - [0101] * * paragraphs [0152] - [0157] * -----	1,5,7-13	
X	EP 1 559 369 A (CORNELL RES FOUNDATION INC [US]) 3 August 2005 (2005-08-03) * paragraphs [0023], [0024] * * paragraph [0030] * -----	1,5,7,9, 10,13	
X	US 2003/036781 A1 (NUTTIN BART [BE] ET AL NUTTIN BART [BE] ET AL) 20 February 2003 (2003-02-20) * paragraphs [0035], [0036] * * paragraphs [0047] - [0050] * -----	1,7,10, 13,14	TECHNICAL FIELDS SEARCHED (IPC) A61N
X	US 6 066 163 A (JOHN MICHAEL SASHA [US]) 23 May 2000 (2000-05-23) * column 3, lines 18-34 * * column 6, line 54 - column 7, line 1 * * column 13, lines 26-51 * -----	1,5-7,9, 10,13, 15,16	
X	WO 2004/064918 A1 (DEPT OF VETERANS AFFAIRS REHAB [US] DEPT OF VETERANS AFFAIRS OFFIC [US]) 5 August 2004 (2004-08-05) * page 11, line 11 - page 12, line 24 * * page 2, lines 2-25 * ----- -/--	1,4, 6-10,13	
The present search report has been drawn up for all claims			
Place of search The Hague		Date of completion of the search 13 December 2006	Examiner Loveniers, Kris
CATEGORY OF CITED DOCUMENTS X: particularly relevant if taken alone Y: particularly relevant if combined with another document of the same category A: technological background O: non-written disclosure P: intermediate document		T: theory or principle underlying the invention E: earlier patent document, but published on, or after the filing date D: document cited in the application L: document cited for other reasons ----- & : member of the same patent family, corresponding document	



European Patent
Office

EUROPEAN SEARCH REPORT

Application Number
EP 06 01 7239

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
A	US 2004/220644 A1 (SHALEV ALON [IL] ET AL) 12 4 November 2004 (2004-11-04) * paragraphs [0340] - [0344] *		
A	US 2004/133248 A1 (FREI MARK G [US] ET AL) 2-4 8 July 2004 (2004-07-08) * paragraph [0150] * * paragraphs [0168], [0169] *		
			TECHNICAL FIELDS SEARCHED (IPC)
The present search report has been drawn up for all claims			
Place of search		Date of completion of the search	Examiner
The Hague		13 December 2006	Loveniers, Kris
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document			

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EPO FORM 1503 03 02 (p.04/07)

ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.

EP 06 01 7239

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

13-12-2006

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6735474	B1	11-05-2004	US 2002055761 A1	09-05-2002
US 2002099417	A1	25-07-2002	US 2002099418 A1	25-07-2002
EP 1559369	A	03-08-2005	NONE	
US 2003036781	A1	20-02-2003	US 2005049650 A1	03-03-2005
US 6066163	A	23-05-2000	US 6463328 B1	08-10-2002
WO 2004064918	A1	05-08-2004	NONE	
US 2004220644	A1	04-11-2004	NONE	
US 2004133248	A1	08-07-2004	NONE	